

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID L. BELMONTE,

Plaintiff,

v.

KING COUNTY, et al.,

Defendants.

CASE NO. 2:24-cv-00518-JNW-DWC

ORDER GRANTING APPLICATION
TO PROCEED *IN FORMA PAUPERIS*
AND DIRECTING INSTITUTION
TO CALCULATE, COLLECT, AND
FORWARD PAYMENTS

Plaintiff is a state prisoner proceeding *pro se* in this civil rights action. The Court, having reviewed Plaintiff's motion proceed *in forma pauperis* (Dkt. 1), hereby finds and ORDERS as follows:

(1) Plaintiff's declaration in support of his motion indicates he is unable to afford the Court's filing fee or give security therefore. *See id.* at 1–3. The account summary for his Prison Trust Account further supports that Plaintiff does not have sufficient funds to pay the filing fee. *Id.* at 5. Accordingly, Plaintiff's motion to proceed *in forma pauperis* is GRANTED. As set forth below, an initial partial filing fee will be collected, and Plaintiff is thereafter required to make

1 monthly payments of 20 percent of the preceding month's income credited to his account until
2 the full amount of the filing fee is satisfied.

3 (2) Pursuant to 28 U.S.C. § 1915, and Plaintiff's approved motion to proceed *in*
4 *forma pauperis*, the agency having custody of the above-named Plaintiff is directed to calculate
5 an initial partial filing fee equal to 20 percent of the greater of either: (a) the average monthly
6 deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account
7 for the 6-month period immediately preceding the date of this Order. The initial partial filing fee
8 should be forwarded to the Clerk of Court as soon as practicable.

9 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency having
10 custody of the prisoner is directed to collect and forward payments equal to 20 percent of the
11 prisoner's preceding month's income credited to the prisoner's account. In the event that the
12 monthly payment would reduce the prisoner's account below \$10.00, the agency should collect
13 and forward only that amount which would reduce the prisoner's account to the \$10.00 level.
14 Please note this \$10.00 limit does not apply to the initial partial filing fee described above.
15 Finally, the monthly payments should be collected and forwarded to the Court until the entire
16 filing fee (\$350.00) for this matter has been paid.

17 (3) The Clerk is directed to send a copy of this Order to Plaintiff, to the financial
18 officer of this Court, and to the agency having custody of Plaintiff.

19 Dated this 23rd day of April, 2024.

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21 David W. Christel
22 United States Magistrate Judge
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